

11/29/01
JC951 U.S. PTO

12-03-01

PTO/SB/05 (08/00)

Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	60706-1080
First Inventor	Duvaut et al.
Title	SYSTEM AND METHOD FOR INCREASING PAYLOAD CAPACITY BY CLUSTERING UNLOADED BINS IN A DATA TRANSMISSION SYSTEM
Express Mail Label No.	EL891517893US

APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

APPLICANT REQUESTS EARLY PUBLICATION UNDER 37 CFR 1.219 (additional fee)

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)

2. Applicant claims small entity status.

3. Specification
(preferred arrangement set forth below) [Total Pages 47]

- Descriptive title of the invention
- Cross References to Related Applications
- Statement Regarding Fed. Sponsored R&D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. Drawing(s) (35 USC 113) [Total Sheets 21]

5. Oath or Declaration [Total Pages 2]

a. Newly Executed (original or copy)

b. Copy from a prior application (37 CFR §1.63(d))
(for continuation/divisional/ with Box 18 completed)

i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application.
see 37 CFR 1.63(d)(2) and 1.33(b).

6. Application Data Sheet. See 37 CFR 1.76

Assignee
Name and Address
(if applicable)

Globespan, Inc.
100 Schulz Drive
Red Bank, New Jersey 07701

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

a. Computer Readable Copy (CRF)

b. Specification Sequence Listing on.

i. CD-ROM or CD-R (2 copies), or
Paper

c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & Documents(s))

10. 37 CFR 3.73(b) Statement
(when there is an assignee) Power of Attorney

11. English Translation Document (if applicable)

12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations

13. Preliminary Amendment

14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

17. Other: _____

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP)

of prior application No: /

Group / Art Unit: _____

Prior application information: Examiner _____

For CONTINUATION OR DIVISIONAL APPS only. The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts

18. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

24504
(Insert Customer No. or Attach bar code label here)

or Correspondence address below

NAME	Daniel R. McClure Thomas, Kayden, Horstemeyer & Risley, L.L.P.		
ADDRESS	100 Galleria Parkway Suite 1750		
CITY	Atlanta	STATE	Georgia
COUNTRY	U.S.A.	TELEPHONE	770-933-9500
ZIP CODE	30339-5948		
FAX	770-951-0933		

Name (Print/Type)	Daniel R. McClure	Registration No. (Attorney/Agent)	38,962
Signature	Daniel R. McClure		Date Nov 29, 2001

Burden Hour Statement: This form is estimated to take 0 2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1788.00)

Complete If Known	
Application Number	To Be Assigned
Filing Date	Herewith
First Named Inventor	Duvaut, et al.
Examiner Name	To Be Assigned
Group / Art Unit	To Be Assigned
Attorney Docket No.	60706-1080

METHOD OF PAYMENT		FEE CALCULATION (continued)	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number 20-0778		3. ADDITIONAL FEES	
Deposit Account Name Thomas, Kayden, Horstemeyer Risley		Large Entity Small Entity Fee Description Fee Paid Fee Fee Fee Fee Code Code Code Code	
<input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		105 130 205 65 Surcharge - late filing fee 127 50 227 25 Surcharge - late provisional filing fee or cover sheet	
2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Credit Card <input type="checkbox"/> Other		139 130 139 130 Non-English specification	

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	\$740
106	330	206	165	Design filing fee	\$
107	510	207	255	Plant filing fee	\$
108	740	208	370	Reissue filing fee	\$
114	160	214	80	Provisional filing fee	\$
SUBTOTAL (1)					(\$740)

2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims	62	$-20^{**} =$	42	\times 18.00 = 756
Independent Claims	6	$-3^{**} =$	3	\times 84.00 = 252
Multiple Dependent				\times 140.00 = 1008

3. ADDITIONAL FEES

Fee Description	Fee Paid
105 130 205 65 Surcharge - late filing fee	
127 50 227 25 Surcharge - late provisional filing fee or cover sheet	
139 130 139 130 Non-English specification	
147 2,520 147 2,520 For filing a request for reexamination	
112 920* 112 920* Requesting publication of SIR prior to Examiner action	
113 1,840* 113 1,840* Requesting publication of SIR after Examiner action	
115 110 215 55 Extension for reply within first month	
116 400 216 200 Extension of time within second month	
117 920 217 460 Extension of time within third month	
118 1,440 218 720 Extension of time within fourth month	
128 1,960 228 980 Extension of time within fifth month	
119 320 219 160 Notice of Appeal	
120 320 220 160 Filing a brief in support of an appeal	
121 280 221 140 Request for oral hearing	
138 1,510 138 1,510 Petition to institute a public use proceeding	
140 110 240 55 Petition to revive - unavoidable	
141 1,280 241 640 Petition to revive - unintentional	
142 1,280 242 640 Utility issue fee (or reissue)	
143 460 243 230 Design issue fee	
144 620 244 310 Plant issue fee	
122 130 122 130 Petitions to the Commissioner	
123 50 123 50 Processing fee under 37 CFR 1.17(q)	
126 180 126 180 Submission of Information Disclosure Stmt	
581 40 581 40 Recording each patent assignment per property (time number of properties)	40
146 740 246 370 Filing a submission after final rejection (37 CFR 1.129(a))	
149 740 249 370 For each additional invention to be examined (37 CFR 1.129(b))	
179 740 279 370 Request for Continued Examination (RCE)	
169 900 169 900 Request for expedited examination of a design application	
Other fee (specify)	
Other fee (specify)	

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) 40

SUBMITTED BY		Complete (if applicable)		
Typed or Printed Name Daniel R. McClure		Registration No. 38,962 (Attorney/Agent)	Telephone Number	770-933-9500
Signature 		Date 11-29-01	Deposit Account User ID	24504

WARNING. Information on this form may become public. Credit Card Information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENTS

In re: **Duvaut et al.**

For: **Clustering Modulation**

CERTIFICATE OF EXPRESS MAIL

Assistant Commissioner for Patents
BOX: Patent Application
Washington, D.C. 20231

Sir:

Enclosed for filing in the above case are the following documents:

Return Postcard
Utility Patent Application Transmittal Page
Fee Transmittal Page
Patent Application Consisting Of:
29 Pages of Specification
17 Pages of Claims (Claims 1-62)
1 Page of Abstract
21 Pages of Formal Drawings (Figs. 1-15C)
Declaration (executed)
Request and Certification
Assignment/Recordation Form Cover Sheet
Check in the amount of \$1748.00
Check in the amount of \$40.00 (assignment fee)

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778

Respectfully submitted,

Daniel R. McClure; Reg. No. 38,962



**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**
100 Galleria Parkway, N.W.
Suite 1750
Atlanta, Georgia 30339-5948

Our Docket No: **060706-1080**

I hereby certify that all correspondences listed above are being deposited for delivery to the above addressee, with the United States Postal Service "**EXPRESS MAIL POST OFFICE TO ADDRESSEE**" service under 37 CFR §1.10 on the date indicated below:

The envelope has been given U.S. Postal Service "Express Mail Post Office To Addressee" Package # **EL891517893US**.

Date: Nov. 29, 2001


Hui Chin Barnhill

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Duvaut, et al.
Title	SYSTEM AND METHOD FOR INCREASING PAYLOAD CAPACITY BY CLUSTERING UNLOADED BINS IN A DATA TRANSMISSION SYSTEM
Attorney Docket No.	60706-1080

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Nov. 29, 2001

Date



Signature

Daniel R. McClure; Reg. No. 38,962

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**